

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
PAUL FENSTER
FENSTER & COMPANY
INTELLECTUAL PROPERTY LTD.
P.O. BOX 10256
PEACH TIKVA, ISRAEL 49002

REC'D 02 NOV 2005

PCT

WIPO

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

31 OCT 2005

Applicant's or agent's file reference

416/04364

International application No.

PCT/IL05/00356

International filing date (day/month/year)

29 March 2005 (29.03.2005)

Priority date (day/month/year)

29 March 2004 (29.03.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B65D 35/22 and US Cl.: 222/94, 145.6, 146.5, 190

Applicant

POLYNEST TECHNOLOGIES LTD.

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

Joseph A. Kaufman

Telephone No. (703)308-0975

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IL05/00356

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL05/00356

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. Citations and explanations:

Claims 1-4, 6, 7, 9, 11, 15, 16, 19, 20, 25-27, 29, 36 and 38 lack novelty under PCT Article 33(2) as being anticipated by Pittman et al. Pittman et al. shows a casing 1; mixing chamber 22; port in 3; flow generator/pump 4; part of the device can be held by the hand; recess in the casing; numeral 10 shows the different rates for the pump; nozzle in 25; pusher 3; and air motor 2.

Claims 32-35 lack novelty under PCT Article 33(2) as being anticipated by Keller. Keller shows bag compartments 2 and 3 that are capable of holding foam generating chemicals; nozzle/tube 13; and pump 23.

Claims 5, 8, 12, 17, 18, 21 and 24 lack an inventive step under PCT Article 33(3) as being obvious over Pittman et al. Pittman et al. has been discussed above, but lacks the single container, the specific weight, the specific pressure, the flexible, non-adhering nozzle and the pressure valve. It would have been obvious to provide the single container with multiple compartments instead of multiple containers in order save material and space. The specific weight and pressure would have been obvious dependent on the intended use of the device. The details of the nozzle would have been obvious in order to promote even and continual dispensing. Finally, the pressure valve would have been obvious in order to prevent overpressurization of the material.

Claims 13, 14, 28 and 37 lack an inventive step under PCT Article 33(3) as being obvious over Pittman et al. in view of Morgan. Pittman et al. has been discussed above, but lacks the heaters. Morgan shows heaters in 10. It would have been obvious to one of ordinary skill in the art to provide heaters as taught by Morgan on the device of Pittman et al. in order to promote flow of material out of the dispenser.

Claims 10, 22, 23, 30 and 31 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the suction gears, the pressure actuating the mixing chamber and the details of the heating base.

Claims 1-38 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IL05/00356

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 5, 8, 10, 12-14, 17, 18, 21-24, 28, 30, 31 and 37
The opinion as to Novelty was negative (No) with respect to claims 1-4, 6, 7, 9, 11, 15, 16, 19, 20, 25-27, 29, 32-36 and 38
The opinion as to Inventive Step was positive (Yes) with respect to claims 10, 22, 23, 30, 31
The opinion as to Inventive Step was negative (NO) with respect to claims 1-9, 11-21, 24-29, 32-38
The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-38
The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE